

11/23/99
JCS66 U.S. PTO

Express Mail No. EL401194555US
Docket No. 20257/110665

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :)
David Carl BURDICK, et al.)
Serial No.: Unassigned) Examiner: Unassigned
Filed: Herewith) Art Unit: Unassigned
For: **PHYTOSTEROL AND/OR PHYTOSTANOL DERIVATIVES**

JCS675 U.S. PTO
09/448356
11/23/99

New York, New York
November 23, 1999

Assistant Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the utility patent application of Inventors:

David Carl BURDICK, Gérard MOINE, Daniel RAEDERSTORFF and Peter WEBER

For: **PHYTOSTEROL AND/OR PHYTOSTANOL DERIVATIVES**

1. ☒ The application has 21 pages (including specification, claim pages, and abstract).
2. ☐ ___ sheets of drawings are enclosed. The drawings are:
 - a. ☐ formal; or
 - b. ☐ informal; formal drawings will be submitted in due course.
3. ☐ A Sequence Listing is part of this continuing application.
 - a. ☐ A Sequence Listing in both paper and computer readable form (diskette) as required by 37 CFR 1.821 et seq. is enclosed.
 - b. ☐ A statement that the content of the paper and computer readable Sequence Listing are the same and that no new matter has been added is enclosed, pursuant to 37 CFR §§1.821(f) and (g).
4. ☒ The declaration and power of attorney
 - a. ☒ has been executed by all the inventors; or

- b. ☐ has not been executed by all the inventors. A signed declaration and power of attorney will be submitted in due course.
5. ☐ An associate power of attorney is enclosed.
6. ☒ An assignment of the invention from the Inventor(s) to F. Hoffmann-La Roche AG (with Recordation Form Cover Sheet in duplicate), and an assignment from F. Hoffmann-La Roche AG to Roche Vitamins Inc. (with Recordation Form Cover Sheet in duplicate) are enclosed. Please record the Assignment from the Inventor(s) to F. Hoffmann-La Roche AG first, then record the assignment from F. Hoffmann-La Roche AG to Roche Vitamins Inc., and return both to the undersigned. A duplicate copy of this paper is enclosed.
- a. ☒ Two checks in the amount of \$40 each are enclosed to cover the recording fees.
- b. ☐ Please charge the recording fee to our Deposit Account No. 02-4467. A duplicate copy of this paper is enclosed.
7. ☒ Priority is hereby claimed under 35 USC §119 based on Appln. No. **EP 98122412.4**, filed **November 26, 1998** in **Europe** and Appln. No. **EP 99119337.6**, filed **September 29, 1999** also in **Europe**.
- a. ☒ A certified copy of the priority document EP 981122412.4 is enclosed.
- b. ☒ The certified priority document EP 99119337.6 will follow.
8. ☐ Priority is hereby claimed under 35 USC §119(e) based on provisional application Serial No. _____, filed _____, in _____. Please amend the specification by inserting, before the first line, the following sentence: -- This application claims priority under 35 U.S.C. § 119(e) of provisional application Serial No _____, filed _____. --
9. ☒ The filing fee is calculated below on the basis of the claims existing in the prior application plus or minus any claims added or canceled by amendment:


Claims as Filed, Plus/Minus Any Claims Added/Canceled By Amendment

For	Number Filed	Number Extra	Rate	Basic Fee = \$	760.00
Total claims	20 -20=	0	x \$18 =	\$	0.00
Independent claims	5 -3=	2	x \$78 =	\$	156.00
Total Filing Fees				\$	916.00

- a. ☒ A check in the amount of \$916.00 to cover the filing fee is enclosed. If our check is missing or otherwise insufficient, or if any additional fees are required, please charge (or credit any overpayment) to Deposit Account No. 02-4467.

- b. ☐ Please charge Deposit Account No. 02-4467 in the amount of \$ _____.
A duplicate copy of this paper is enclosed.
10. ☒ The Commissioner is hereby authorized to charge payment of the following fees, or to credit any overpayment, to Deposit Account No. 02-4467.
- a. ☒ Any additional filing fees required under 37 CFR Section 1.16 not otherwise paid by check.
- b. ☒ Any patent application processing fees required under 37 CFR Section 1.17 not otherwise paid by check.
- c. ☒ Any additional Assignment recording fees under 37 CFR Section 1.21 (h) not otherwise paid by check.
11. ☐ A preliminary amendment is enclosed. Please enter it before calculating the filing fee.
12. ☐ An Information Disclosure Statement is enclosed.
13. ☒ Address all communications to:
- Mark E. Waddell, Esq.
Bryan Cave, LLP
245 Park Avenue
New York, NY 10167-0034
(212) 692-1800

Respectfully submitted,

By: 
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Registration No. 40,402
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CERTIFICATE OF EXPRESS MAILING

"Express Mail" Mailing Label No.: EL401194555US
Date of Deposit: November 23, 1999

I hereby certify that the following:

- ☒ Certificate of Express Mailing (1 p)
- ☒ Transmittal Letter (3 pp) in duplicate
- ☒ Specification, Claims and Abstract (21 pp)
- ☒ Declaration and Power of Attorney (executed) (3 pp)
- ☒ Two (2) Assignments and two (2) Assignment Recordation
Form Cover Sheets in duplicate (6 pp)
- ☒ Certified Priority Document EP 98122412.4
- ☒ Check for \$916.00 (Filing fee)
- ☒ Two (2) checks for \$40.00 each (Assignment fee)
- ☒ Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the Date of Deposit indicated above in an envelope addressed to Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.



Darryl Terrell

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